

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

DIXIE JO HAYNES

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Case No. 4:12cr250
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 19, 2013, to determine whether Defendant violated her supervised release.

On August 10, 2006, Defendant was sentenced by the Honorable Tim Leonard to sixty (60) months' custody followed by three (3) years of supervised release for the offense of Mail Theft. On August 29, 2011, Defendant completed her period of imprisonment and began service of her supervised term. This case was transferred to this District and assigned to the Honorable Marcia A. Crone.

On May 30, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions (1) the defendant shall not commit another federal, state, or local crime; and (2) the defendant shall refrain from any unlawful use of a controlled substance. The petition asserted that Defendant violated the following standard conditions: (1) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (2) the defendant shall report to the probation officer and shall submit a truthful and complete

written report within the first five days of each month. The petition asserted that Defendant violated the following special conditions: (1) the defendant shall participate in a program of substance abuse aftercare at the direction of the probation officer. The defendant shall totally abstain from the use of alcohol or any other intoxicants both during and after completion of any treatment program. The defendant may be required to contribute to the cost of services rendered (co-payment) in an amount to be determined by the probation officer, based on the defendant's ability to pay; and (2) the defendant shall participate in a program of mental health aftercare at the direction of the probation officer. The defendant may be required to contribute to the cost of services rendered (co-payment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The guideline range for these violations is twenty-one to twenty-four months.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow. It is also recommended that Defendant be housed in the Carswell Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 1st day of July, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE